

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.7328 of 2020

Lakshmanan,
S/o. Chengeni
22, NagavalliammanKoil Street
Reddichavadi
Cuddalore District.
Petitioner

The state represented by
The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.

(Crime No. 107 of 2016)

Vs.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending trial in S.C.No.164 of 2016 on the file of the I Additional District and Sessions Judge, Cuddalore.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.10.2019 for the offences punishable under Sections 147,148, 448,449,302, 506(ii) read with 34 of IPC in Crime No.107 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the deceased along with his friends were riding in motor cycle, it was questioned by the petitioner and also attacked him in front of others. Thereafter, it was questioned by the deceased and his brother. Subsequently, the petitioner along with others came to the residence of the deceased and attacked him brutally. Thereby, the deceased sustained grievous injuries and died. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way

connected with the offence as alleged by the prosecution and he did not commit any offence. He would further submit that the petitioner was already granted bail in the present case, but he was not able to appear before the trial Court. Therefore, Non-Bailable Warrant was issued and on the warrant, he was arrested and remanded to judicial custody on 26.10.2019. Hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl.Side) has submitted that the crime is of the year 2016 and the investigation was completed and final report has been filed. The same has been taken cognizance in SC.No.164 of 2016 on the file of the I Additional District Judge, Cuddalore, however, the trial has been stalled because of the actions of the petitioner herein. Therefore, Non-Bailable Warrant was issued against the petitioner and he was arrested and remanded to judicial custody. Now, all the witnesses have been examined by the prosecution and the matter is posted for arguments. Moreover, the petitioner has very bad antecedent and he has involved in more than 11 cases.

5. It is seen that the petitioner was originally granted bail in this case and subsequently, he did not appear before the trial Court for trial in S.C.No.164 of 2016. Therefore, Non-Bailable Warrant was issued and on the

Non-Bailable Warrant, he was arrested and remanded to judicial custody on 26.10.2019. Now, all the witnesses have been examined by the prosecution and the matter is posted for arguments. At this stage, the bail petition cannot be considered and hence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this petition stands dismissed.

11.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order
dna



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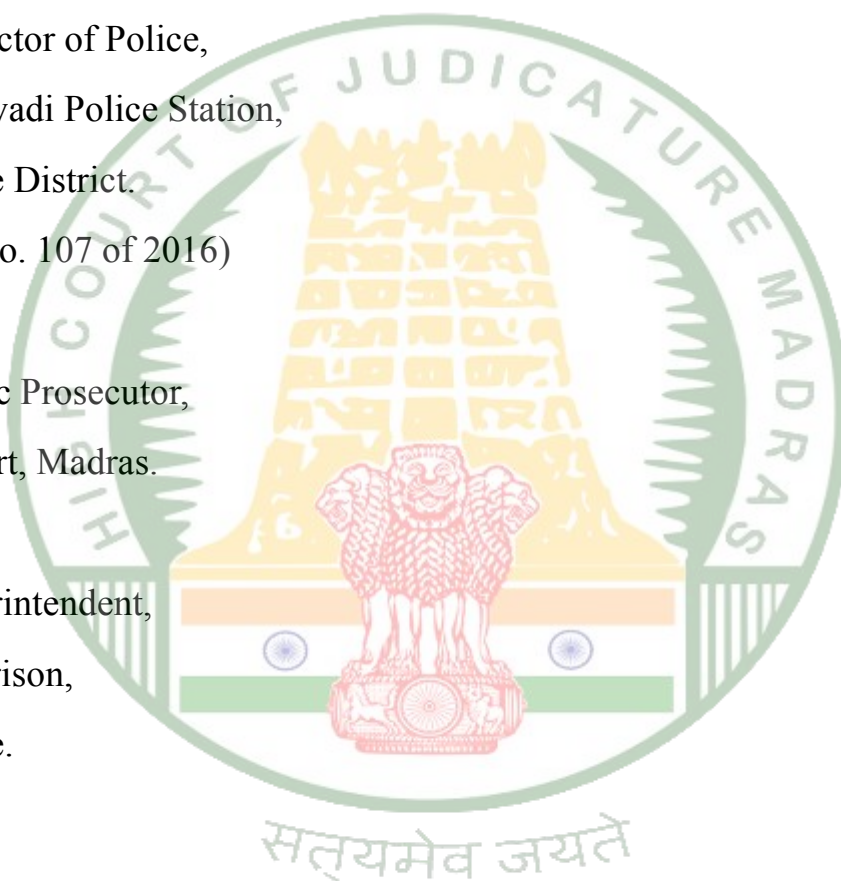
To

1. The I Additional District and Sessions Court,
Cuddalore.

2. The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.
(Crime No. 107 of 2016)

3. The Public Prosecutor,
High Court, Madras.

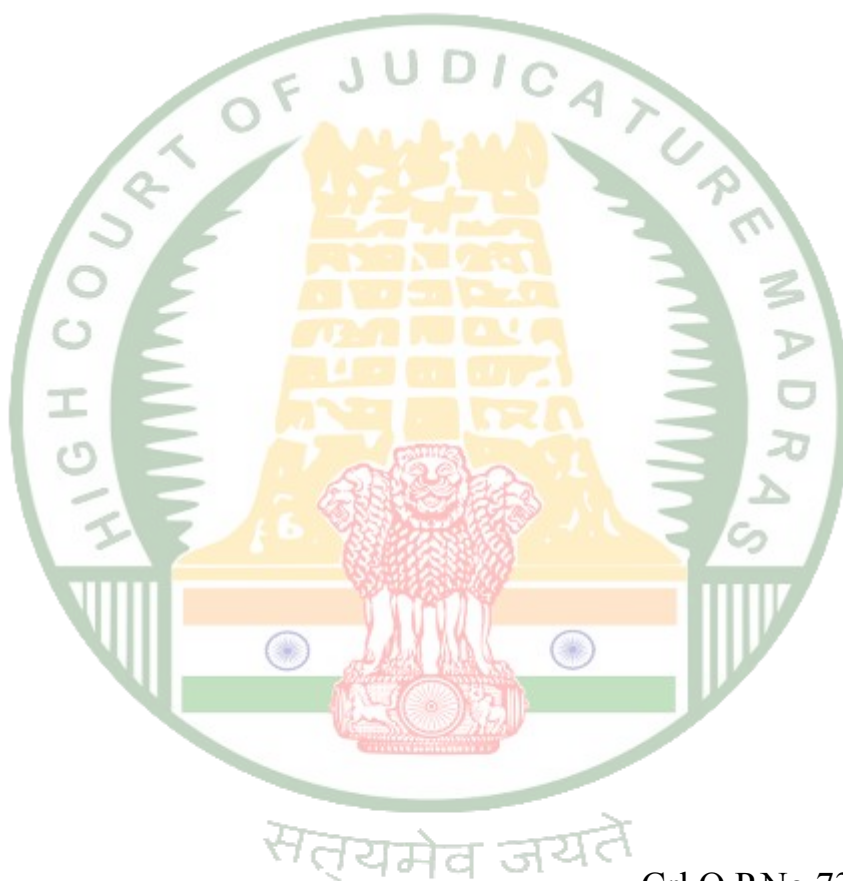
4. The Superintendent,
Central Prison,
Cuddalore.



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G.K.ILANTHIRAIYAN, J.

dna



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